

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

**If you are African-American and applied
for a Labor position at AK Steel
Corporation in Middletown, Ohio or
Ashland, Kentucky, and you took and
failed AK Steel's employment screening
test, a class action lawsuit may affect your
rights.**

A court authorized this notice. This is not a solicitation from a lawyer.

- African-American applicants for Labor positions have sued AK Steel Corporation, alleging discrimination against African-American applicants who took and failed AK Steel's employment screening test.
- The Court has allowed the lawsuit to be a class action on behalf of all African-American applicants for Labor positions at AK Steel's Middletown, Ohio plant who took and failed AK Steel's employment screening test at any time since September 12, 2001, and for all African-American applicants for Labor positions at AK Steel's Ashland, Kentucky plant who took and failed AK Steel's employment screening test at any time since August 12, 2001.
- The Court has not decided whether AK Steel did anything wrong. There is no money or other relief available now, and no guarantee there will be. If the Court decides in the future that money and other relief should be available for African-American applicants who took and failed AK Steel's test, you will have a choice of staying in this lawsuit or getting out of this lawsuit to sue AK Steel separately about the same legal claims in this lawsuit.
- Lawyers must prove the claims against AK Steel at a trial that will be scheduled at some time in the future. If money, benefits, or other relief are obtained from AK Steel, you will be notified about how to ask for a share.
- **Any questions? Read on and call 800-476-9428.**

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BASIC INFORMATION

1. Why did I get this notice?

AK Steel's records show that you applied for a Labor position at AK Steel's Middletown, Ohio or Ashland, Kentucky plants and that you took and failed AK Steel's employment screening test. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. There will be a trial to decide whether the claims being made against AK Steel, on your behalf, are correct. Judge Sandra S. Beckwith of the United States District Court for the Southern District of Ohio is overseeing this class action. The lawsuit is known as *Vivian Bert, et al. v. AK Steel Corporation*, No. C-1-02-467.

2. What is this lawsuit about?

This lawsuit is about whether AK Steel discriminated against African-American applicants for Labor positions by using a screening test that was harder for African-Americans to pass. More information about federal laws prohibiting job discrimination can be found at the website of the U.S. Equal Employment Opportunity Commission, www.eeoc.gov.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Darlene Denise Carter, Darrell Carter, Marnie Carter, Donald Edwards, James E. Greenwood, Kay Jackson, Tiffany Jackson, Dwight Lewis, and Timothy Oliphant) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The African-Americans who sued -- and all the Class Members like them -- are called the Plaintiffs. The company they sued (in this case AK Steel Corporation) is called the Defendant. One court resolves the issues for everyone in the Class -- except for those people who later choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are more than 50 African-American applicants who took and failed AK Steel's employment screening test;
- There are legal questions and facts that are common to each of them;
- The Class Representatives' claims are typical of the claims of the rest of the Class;
- The Class Representatives, and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Certifying the Class, which is available by calling the lawyers at 800-476-9428.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs say that AK Steel discriminated against African-American applicants for Labor positions at AK Steel's Middletown, Ohio, and Ashland, Kentucky plants. They claim that the African-American applicants took and failed a screening test used by AK Steel that harms African Americans more than other races. You may obtain a copy of the Complaint in this case by calling the lawyers at 800-476-9428.

6. How does AK Steel answer?

AK Steel denies that it did anything wrong and says that opportunities for Labor positions are equally available to African Americans and people of other races. AK Steel says that its policies are clear and that they neither allow, nor condone, discrimination against African Americans. You may obtain a copy of AK Steel's Answer to the Complaint by calling the lawyers at 800-476-9428.

7. Has the Court decided who is right?

The Court hasn't decided whether AK Steel or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial that will be scheduled at some date in the future. (See "The Trial" below on page 8.)

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for a ban on AK Steel's screening test to ensure that African American applicants for Labor positions are treated fairly and equally. The Plaintiffs also want lost wages and other relief for Class Members.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether AK Steel did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge Beckwith decided that all African-American applicants for Labor positions at AK Steel's Middletown, Ohio plant who took and failed AK Steel's employment screening test at any time since September 12, 2001, are Class Members. Judge Beckwith also decided that all African-American applicants for Labor positions at AK Steel's Ashland, Kentucky plant who took and failed AK Steel's employment screening test at any time since August 12, 2001, are Class Members.

11. Are any African-American applicants not a part of the Class?

African-American applicants for Labor positions who did not take the test, and African-American Applicants who took and passed the test, are not a part of the Class. You are only a Class Member if you either:

- Are African American; applied for a Labor position at AK Steel's Middletown, Ohio, plant; and took and failed AK Steel's screening employment test at any time since September 12, 2001; or
- Are African American; applied for a Labor position at AK Steel's Ashland, Kentucky, plant; and took and failed AK Steel's screening employment test no at any time since August 12, 2001.

12. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers in this case, at the phone number or address listed in question 22.

YOUR RIGHTS AND OPTIONS

You will have to decide whether to stay in the Class or ask to be excluded at a later date.

13. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs have a right to money, benefits, or other relief, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from receiving the money, benefits, or other relief). Keep in mind that if you do nothing, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, AK Steel -- as part of any other lawsuit -- about the same legal claims that are the subject of this lawsuit. If you applied for a Labor position at AK Steel's Middletown plant, this means that if you do nothing, you may only be able to sue for taking and failing the test, *since* September 12, 2001. If you applied for a Labor position at AK Steel's Ashland plant, this means that if you do nothing, you may only be able to sue for taking and failing the test *since* August 12, 2001. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

14. Why would I ask to be excluded in the future?

If you already have your own race discrimination lawsuit against AK Steel for taking and failing the employment screening test, and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class -- which also means to remove yourself from the Class, and is sometimes called "opting-out" of the Class -- you won't get any money, benefits, or other relief from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between AK Steel and the Plaintiffs. However, you may then be able to sue or continue to sue AK Steel for taking and failing the employment screening test at any time. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against AK Steel after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against AK Steel, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

15. How do I ask the Court to exclude me from the Class in the future?

Instructions for asking to be excluded from the Class will be provided in the future if the Plaintiffs have the right to money, benefits, or other relief.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court decided that the law firms of Wiggins, Childs, Quinn, & Pantazis, L.L.C., of Birmingham, Alabama; Sanford, Wittels, & Heisler, L.L.P., of Washington, D.C.; and the Law Offices of Grant E. Morris, of Washington, D.C., are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar cases against other employers. More information about these law firms, their practices, and their lawyers' experience is available by calling 800-476-9428.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by AK Steel.

THE TRIAL

The Court will schedule a trial to decide who is right in this case.

19. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial will be scheduled in the future to be convened at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio. During the trial, the Judge will hear all of the evidence to help her reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

20. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and AK Steel will present the defenses. You or your own lawyer are welcome to come at your own expense.

21. Will I get money after the trial?

If the Plaintiffs obtain money, benefits, or other relief as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

22. Are more details available?

You may obtain more information by calling the lawyers representing the Class at 800-476-9428, or by writing to: Herman N. Johnson, Jr./ Wiggins, Childs, Quinn & Pantazis, L.L.C./ The Kress Building/ 301 19th Street N./ Birmingham, AL 35203.

DATE: MONTH __, 2007.

Clerk of the Court
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO